

AG Contract No. KR97 0041TRN  
ADOT ECS File: JPA 97-02  
Project: H4496 01L  
Section: San Luis Traffic Circulation Study (BAT)

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
YUMA METROPOLITAN PLANNING ORGANIZATION

THIS AGREEMENT is entered into 24 FEBRUARY, 1997,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,  
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF  
TRANSPORTATION (the "State") and YUMA METROPOLITAN PLANNING  
ORGANIZATION, acting by and through its BOARD OF SUPERVISORS (the "YMPO").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The YMPO is empowered to enter into this agreement and has by resolution number 43, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the YMPO.

3. The State and the YMPO desire to conduct a San Luis area traffic circulation study utilizing Border Area Transportation funds in the amount of \$35,809.00, for the safety and benefit of the motoring public. The parties hereto agree that the YMPO shall be the lead agency for the study.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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NO. <u>21382</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>02/24/97</u>
<u>James Lee Smith</u> Secretary of State
By <u>Vicky Greenwald</u>

## II. SCOPE

### 1. The YMPO will:

a. Issue requests for proposals and select and hire an appropriate engineering consultant, or, by change order to an existing engineering consultant contract, accomplish a San Luis area traffic circulation study. Strictly comply with all applicable State procurement laws. Provide the State copies of study progress submittals at approximately the 60% and 95% level of completion, or as received by the YPMO, for State review and comment. Incorporate State review comments as appropriate.

b. Invoice the State for funds (Arizona Department of Transportation, Attn: Director, Transportation Planning Group, 206 S. 17th Avenue, Mail Drop 300B, Phoenix, AZ 85007) in the amount of \$35,809.00. Be responsible for all costs associated with the study over and above the State's contribution of \$35,809.00.

### 2. The State will:

a. Review the study documents and provide comments.

b. Within 30 days after receipt and approval of an invoice, pay the YMPO funds in an amount not to exceed \$35,809.00.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said study and reimbursements, provided, however, that this agreement may be cancelled at any time prior the the award of a study contract, upon 30 days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511 as regards conflicts of interest on behalf of State employees.

4. The provisions of Arizona Revised Statutes Section 35-214 pertaining to 5 year records retention by the YMPO and audit by the State are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement, except as otherwise specified herein, shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Yuma Metropolitan Planning Organization  
Executive Director  
200 W. First Street  
Yuma, AZ 85364

10. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**YUMA METROPOLITAN  
PLANNING ORGANIZATION**

**STATE OF ARIZONA**  
Department of Transportation

By   
CLYDE COMINS  
Chairman

By   
JAY KLAGGE, Director  
Transportation Planning

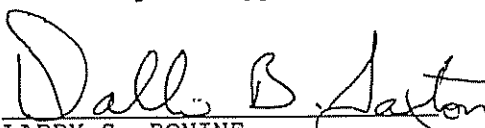
ATTEST:

By   
ROBERT A. VAUGHAN  
Executive Director

RESOLUTION

BE IT RESOLVED on this 7th day of January 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Yuma Metropolitan Planning Organization for the purpose of defining responsibilities to conduct a traffic circulation study in the City of San Luis.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director of Transportation Planning for approval and execution.

  
for LARRY S. BONINE  
Director

YUMA METROPOLITAN PLANNING ORGANIZATION

RESOLUTION NO. 43

THE YUMA METROPOLITAN PLANNING ORGANIZATION (YMPO)  
AUTHORIZES AN AMENDMENT TO ITS ADOPTED BY-LAWS TO  
PERMIT THE AGENCY TO ENTER INTO CONTRACTUAL  
AGREEMENTS.

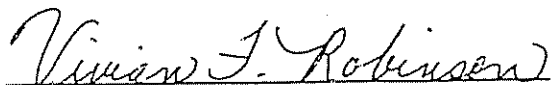
Whereas: The Yuma Metropolitan Planning Organization (YMPO) operates under guidance of its adopted By-Laws, dated October 2, 1991; and

Whereas: Section I of the By-Laws states the objective of the YMPO is to carry out planning, coordination, and integration of activities necessary to maintain a comprehensive, cooperative, and continuing multi-agency transportation planning program; and further, as specified by the Executive Board of the YMPO, carry out other related specific tasks, including implementation thereof; and

Whereas: Section VI of the By-Laws states that the By-Laws can be amended, by a majority vote of the YMPO's Executive Board, at any scheduled meeting; and

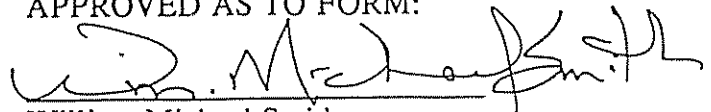
NOW, THEREFORE, BE IT RESOLVED that the By-Laws of the Yuma Metropolitan Planning Organization are hereby amended to allow the YMPO, upon passage of a Resolution by a majority vote of its Executive Board, to enter into contractual agreements for conduct of work pertaining to the objective of the YMPO.

ADOPTED this 30th day of March, 1995 by the YUMA METROPOLITAN  
PLANNING ORGANIZATION EXECUTIVE BOARD during an open public meeting.



VIVIAN F. ROBINSON, Chairman  
YMPO Executive Board  
Mayor, City of Somerton

APPROVED AS TO FORM:



William Michael Smith  
General Counsel to the YMPO

31 March 1995  
Date

APPROVAL OF  
THE YUMA METROPOLITAN PLANNING ORGANIZATION ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the YUMA METROPOLITAN PLANNING ORGANIZATION, and declare this agreement to be in proper form and within the powers and authority granted to the Organization under the laws of the State.

DATED this 3 day of February, 1997.

Wm. M. Deaf Smith

Attorney



STATE OF ARIZONA

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GRANT WOODS  
ATTORNEY GENERAL

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR97-0041TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED February 10, 1997.

GRANT WOODS

Attorney General

JAMES R. REDPATH

Assistant Attorney General

Transportation Section

JRR:cl/3595